

SMOKING POLICY

(No. 10 September 1997)

1842

INTRODUCTION

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1842.1

Environmental tobacco smoke (ETS) is recognized as the third leading cause of preventable death, behind active smoking and alcohol. In California, the estimated impact (cost) of tobacco use is approximately \$10 billion. This estimate includes direct medical costs, lost productivity due to illness and disability, and lost future earnings due to premature death.

Executive Order W-42-93 (reissued EXO 95-05, 2/28/95) banned smoking in state-owned buildings and leased space. This Executive Order protects approximately 180,000 state workers. Statutory authority is also provided under Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of Title 2 of the Government Code. Following is CAL FIRE policy to implement these regulations and provide a smoke free environment for its employees.

DEFINITION

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Smoking refers to the inhaling, exhaling, burning, carrying, or possession of a lighted cigarette, cigar, pipe, or other lighted smoking equipment for tobacco or any other plant.

IMPLEMENTATION

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Unless statutorily exempted, smoking shall be prohibited in all:

- Emergency response and regular work situations where smoking is unsafe and/or illegal (e.g., as specified by Cal-OSHA in sections of the California Code of Regulations, Title 8).
- Buildings owned by CAL FIRE.
- Space leased by CAL FIRE or occupied by CAL FIRE under agreement with local governments, including space within buildings that CAL FIRE shares with other departments or businesses.

- CAL FIRE motor vehicles, mobile equipment, and aircraft.
- Motor vehicles and mobile equipment provided by local government under agreement with CAL FIRE.
- Other government vehicles and mobile equipment operated by CAL FIRE employees while representing the department on official business or performing their regular duties.

The smoking prohibition shall apply to any area enclosed by the perimeter (outermost walls of the building. Atriums, balconies, stairwells, and other similar building features are considered to be "within a building."

Smoking shall not be permitted within 15 feet of:

- Doorways and ground level air intake structures.
- Outdoor or temporary assembly areas for work projects, training exercises, etc.
- Outdoor or temporary food preparation, storage, serving, and eating areas (e.g., incident base kitchens and mobile kitchen units). Greater distances may be required under law for health and safety reasons. Check with the Incident Safety Officer for specific regulations.
- Outdoor or temporary rest/sleeping areas (e.g., tents) and other incident staging areas.

Building operators/management, including CAL FIRE management, shall not establish and/or identify specific areas for smoking. Ashtrays and other safe and appropriate smoking litter appliances will be provided on the exterior premises of buildings owned or leased by CAL FIRE. The end-products of tobacco consumption (e.g., ashes, cigarette butts) shall be disposed of by appropriate means outside CAL FIRE buildings and vehicles unless it is unsafe to do so.

NO SMOKING SIGNS

1842.4

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All buildings covered by this policy shall, at a minimum, have clearly displayed signs at all entrances/exits and other conspicuous locations (i.e., elevator landings, auditoriums, kitchens, bathrooms, garages, etc.) throughout the facilities to notify tenants and the public that smoking is prohibited within the building. All vehicles (CAL FIRE and local government agreement) shall display signs or labels notifying drivers and passengers that smoking is prohibited in the vehicles.

The signs should read "NONSMOKING BUILDING" or "SMOKING NOT PERMITTED IN THIS BUILDING" or "SMOKING NOT PERMITTED IN THIS VEHICLE" to convey a clear and unambiguous message. The universal symbol for NO SMOKING (i.e., a cigarette within a bisected circle) may be used in conjunction with other written signs.

All signs shall be written in English. If the building operators/management staff identify a need for signs written in another language, signs shall be produced in both English and a maximum of two (2) other languages.

On all building accesses, the signs shall be written in bold print and readable from a distance of 25 feet. Lettering and background colors shall be chosen to produce a legible sign that complements the building. All signs in vehicles shall be clearly displayed in areas where they will not interfere with safe operation of the vehicle.

SMOKING POLICY COMPLIANCE AND ASSISTANCE

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Managers and supervisors shall inform their employees of the department's smoking policy. The policy shall be included and documented as part of all new employee orientations.

Managers and supervisors shall enforce this smoking policy. This does not preclude employees from bringing violations to the attention of their management. Managers and supervisors have the responsibility and authority to respond to observed and reported violations. Managers and supervisors shall handle non-compliance with the smoking policy through the department's progressive discipline process. (See Personnel Handbook Section 1092 and the CAL FIRE publication, "Supervisors' Guide to Progressive Discipline.") Repeated violations of this policy shall result in adverse action up to and including dismissal.

Managers and supervisors shall adhere to employee breaks as specified in individual bargaining unit agreements and memoranda of understanding. Managers and supervisors shall not establish or allow time outside of regular break periods for the purposes of smoking.

If the manager or supervisor fails to satisfactorily resolve non-compliance issues, employees in compliance may file a written complaint using the existing CAL FIRE complaint procedures.

If the compliance issue involves another department or building tenant, the CAL FIRE manager or supervisor shall report the issue in writing to the tenant agency or the building manager who is responsible for compliance in public areas.

Personnel who would like information on smoking cessation should be provided the toll-free telephone number of the "California Smoker's Helpline." This number is 1-800-766-2888. Local offices of the American Cancer Society and Lung Association also provide resources or referrals for smoking cessation.

Prevalence of cigarette smoking is now on the list of conditions reportable by states to the Centers for Disease Control. The addition of prevalence of cigarette smoking marks the first time a behavior, rather than a disease or illness, has been considered nationally reportable. This reflects the seriousness of smoking as a nationwide health issue.

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